

# JOURNAL OF THE SENATE

FIRST REGULAR SESSION

FIRST EXTRA SESSION

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**THIRD DAY—THURSDAY, SEPTEMBER 8, 2005**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The earth, O Lord, is full of your love; instruct me in your statutes.” (Psalm 119:64)

O Holy God, we pray today to give us courage and love so that what we accomplish this day has Your hand upon us and may be blessed and is in keeping with Your holy statutes. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy

Klindt

Nodler

Shields

Wilson—33

Koster

Purgason

Stouffer

Loudon

Ridgeway

Vogel

Mayer

Scott

Wheeler

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Klindt offered Senate Resolution No. 8, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Miller, Savannah, which was adopted.

Senator Klindt offered Senate Resolution No. 9, regarding John Carr, Cameron, which was adopted.

Senator Klindt offered Senate Resolution No. 10, regarding the Sixty-ninth Wedding Anniversary of Mr. and Mrs. Merrill O. Karr, Savannah, which was adopted.

Senator Klindt offered Senate Resolution No. 11, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. L.G. Degase, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 12, regarding Alex Troy Koopman, Chillicothe, which was adopted.

Senator Alter offered Senate Resolution No. 13, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Oran Ray Reeves, Arnold, which was adopted.

Senator Purgason offered Senate Resolution No. 14, regarding the Ninieth Birthday of Helen E. Barclay, Lebanon, which was adopted.

Senator Gross offered Senate Resolution No. 15, regarding Saints Joachim and Ann Care Service, St. Charles, which was adopted.

Senator Griesheimer offered Senate Resolution No. 16, regarding Franklin County Detective Scott Briggs, which was adopted.

Senator Griesheimer offered Senate Resolution No. 17, regarding Officer William "Bill" Hanneken, Washington, which was adopted.

Senator Alter offered Senate Resolution No. 18, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Ronald Cook, Imperial, which was adopted.

Senator Green offered Senate Resolution No. 19, regarding the International Brotherhood of Electrical Workers Local 1439, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 20, regarding the Seventy-second Wedding Anniversary of Mr. and Mrs. John W. Tweedie, Norborne, which was adopted.

Senator Stouffer offered Senate Resolution No. 21, regarding Dr. Willard B. Avery, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 22, regarding the birth of Jackson Robert Glidewell, Overland Park, Kansas, which was adopted.

Senator Stouffer offered Senate Resolution No. 23, regarding the birth of Madeleine Suzanne Lock, Waverly, which was adopted.

Senator Stouffer offered Senate Resolution

No. 24, regarding the birth of Bailey Rexine Bennett, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 25, regarding the birth of Braydon Keene Cook, Norborne, which was adopted.

Senator Stouffer offered Senate Resolution No. 26, regarding the birth of Chloe Ann Grizzle, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 27, regarding the birth of Nicholas Roy Cash, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 28, regarding the birth of Bentley Sylus Turner, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 29, regarding the death of James Stafford, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 30, regarding Mr. and Mrs. Donald Gastineau, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 31, regarding Mr. and Mrs. Bret Borota, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 32, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Moon, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 33, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ed Cleaver, Atlanta, which was adopted.

Senator Stouffer offered Senate Resolution No. 34, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Bowman, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 35, regarding the death of Keith Edward House, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 36, regarding the death of Ernest Bushmann, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 37, regarding the death of Junior Jack “Jake” Wolf, Marshall, which was adopted.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

#### SPECIAL MESSAGE

#### TO ALL MEMBERS OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF MISSOURI

WHEREAS, by my proclamation dated August 17, 2005, I convened the Ninety-Third General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and WHEREAS, it has come to my attention that additional extraordinary matters need to be considered during this First Extra Session; and

WHEREAS, the First Extra Session of the General Assembly has convened in the City of Jefferson on September 6, 2005, pursuant to my call:

NOW THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Missouri Constitution, do hereby amend the matters specifically designated in said Proclamation for consideration by the General Assembly as follows:

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To repeal section 210.117 of Senate Bill 420 and Senate Bill 155, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, and enact in lieu thereof a new section 210.117 regarding the placement of juvenile abusers near their victims.
2. To amend sections 211.181.3(1) of Senate Bill 420 and 211.038.2 of Senate Bill 155, as enacted by the Ninety-Third General Assembly of the State of Missouri in the First Regular Session, regarding the placement of juvenile abusers near their victims.
3. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

All other matters contained in my proclamation convening the Ninety-Third General Assembly of the State of Missouri in the First Extra Session of the First Regular Session, dated August 17, 2005 shall remain the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of

(Seal)

Missouri, in the City of Jefferson,  
on this 7<sup>th</sup> day of September, 2005.

/s/ Matt Blunt  
Governor

#### ATTEST:

/s/ Robin Carnahan  
Secretary of State

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
September 7, 2005

#### TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 3, 2005, while the Senate was not in session:

Loren Cook II, Republican, 4371 Misty Woods, Springfield, Greene County, Missouri 65809, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Gary Collins, term expired.

Respectfully submitted,  
MATT BLUNT  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
September 7, 2005

#### TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Jeffrey Cawfield, submitted on September 6, 2005. Line 1 should be amended as follows:

“Jeffrey D. Cawfield, Democrat, 10901 Hanley Drive, Rolla, Phelps”

Respectfully submitted,  
MATT BLUNT  
Governor

President Pro Tem Gibbons referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

**REPORTS OF STANDING COMMITTEES**

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Ronnie D. Dittimore, Ed.D., as a member of the State Mental Health Commission;

Also,

Debra D. Uhrig, as a member of the Platte County Board of Elections;

Also,

David A. Gach, as a member of the State Highways and Transportation Commission;

Also,

Troy L. Wilson, as a member of the Missouri Development Finance Board;

Also,

Randy L. Cole, as the Missouri State Fire Marshal;

Also,

Douglas M. Ommen, as a member of the Personnel Advisory Board;

Also,

Derrick S. Standley, as a member of the Hazardous Waste Management Commission;

Also,

Melodie A. Powell, as Chairwoman and a member of the Kansas City Board of Election Commissioners;

Also,

Anthony J. Romano and Georgia Buchanan, as members of the Jackson County Sports Complex Authority;

Also,

Michelle Patterson Wimes, as a member of the Central Missouri State University Board of Governors;

Also,

Radnell C. Talburt, as Commissioner of the Missouri State Water Patrol;

Also,

Judith L. Beer and Jesse J. Camacho, as members of the Clay County Board of Election Commissioners;

Also,

John Scott George, as Chairman and a member of the Small Business Regulatory Fairness Board;

Also,

Maria C. Curtis, as student representative of the University of Missouri Board of Curators;

Also,

Ryan A. Sivill, as student representative of Missouri State University Board of Governors;

Also,

Vicky J. Hartzler, as Chairwoman and a member of the Missouri Women's Council;

Also,

William F. McGeehan, Jr., as a member of the Conservation Commission;

Also,

Florine Penrod and John T. Witherspoon, Ph.D., as members of the Safe Drinking Water Commission;

Also,

Jeffrey D. Cawlfeld, as a member of the Dam and Reservoir Safety Council;

Also,

K'Alice Breinig, R.N., as a member of the Missouri State Board of Nursing;

Also,

John S. Gaal, as a member of the Missouri Training and Employment Council.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kinder assumed the Chair.

Senator Shields requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking **SB 1** up for perfection, which request was granted.

#### SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 1** be taken up for perfection, which motion prevailed.

Senator Bray offered **SS** for **SB 1**, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 1

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof six new sections relating to reducing the number of abortions in the state, with penalty provisions.

Senator Bray moved that **SS** for **SB 1** be adopted.

Senator Loudon raised the point of order that **SS** for **SB 1** is out of order as it goes beyond the special session call issued by the Governor and beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

**SB 1** was again taken up.

Senator Bartle assumed the Chair.

Senator Gross assumed the Chair.

Senator Shields assumed the Chair.

Senator Griesheimer assumed the Chair.

Senator Coleman offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 28, by inserting after all of said line the following:

**“191.717. 1. Sections 191.717 and 191.718 may be cited as the “Compassionate Assistance for Rape Emergencies (CARE) Act”.**

**2. As used in sections 191.717 to 191.718, unless the context clearly indicates otherwise, the following terms shall mean:**

**(1) “Emergency care to sexual assault victims”, medical examinations, procedures, or services provided at a hospital to a sexual assault victim following an alleged rape;**

**(2) “Emergency contraception”, any drug or device approved by the Food and Drug Administration that prevents pregnancy after sexual intercourse;**

**(3) “Medically and factually accurate and objective”, verified or supported by the weight of research conducted in compliance with accepted scientific methods and is published in peer-reviewed journals where applicable; or comprising information that leading professional organizations and agencies with relevant expertise in the field, such as the American College of Obstetricians and Gynecologists (ACOG), recognize as accurate and objective;**

**(4) “Sexual assault”, as defined in section 566.040, RSMo;**

**(5) “Sexual assault victim”, a female who is**

alleged to have been raped and is presented as a patient.

**191.718. 1.** It shall be the standard of care for any hospital and any health care facility that provides emergency care to sexual assault victims to:

(1) Provide each sexual assault victim with medically and factually accurate and objective written and oral information about emergency contraception;

(2) Orally inform each sexual assault victim of her option to be provided emergency contraception at the hospital; and

(3) Provide the complete regimen of emergency contraception immediately at the hospital or health care facility to each sexual assault victim who requests it.

**2.** Hospitals and health care facilities shall ensure that each person who provides care to sexual assault victims is provided with medically and factually accurate and objective information about emergency contraception.

**3.** The department of health and senior services shall develop, prepare, and produce informational materials relating to emergency contraception for the prevention of pregnancy for distribution to use in any hospital or health care facility in the state in quantities sufficient to comply with the requirements of this section. The director, in collaboration with community sexual assault programs, may also approve informational materials from other sources.

**4.** The information materials must:

(1) Be medically and factually accurate and objective;

(2) Be clearly written and readily comprehensible in a culturally competent manner, as the department deems necessary to inform victims of sexual assault; and

(3) Explain the nature of emergency contraception, including its use, safety, efficacy, and availability, and that it does not cause

abortion.

**5.** The department of health and senior services shall respond to complaints and shall periodically determine whether hospitals and health care facilities are complying with the provisions of this section. The department may use all investigative tools available to verify compliance. If the department determines that a hospital or health care facility is not in compliance, the department shall:

(1) Impose a fine of five thousand dollars per woman who is denied medically and factually accurate and objective information about emergency contraception or who is not offered or provided emergency contraception; and

(2) Impose a fine of five thousand dollars for failure to comply with the provisions of this section and for every thirty days that a hospital or health care facility is not in compliance, an additional fine of five thousand dollars shall be imposed.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Barnitz, Bray, Callahan and Days.

Senator Ridgeway raised the point of order that **SA 1** is out of order as it goes beyond the special session call issued by the Governor and is not germane to the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

**SB 1** was again taken up.

Senator Green offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1, Page 1, Section A, Line 3, by inserting after all of said line the following:

“188.010. It is the intention of the general

assembly of the state of Missouri to grant the right to life to all humans, born and unborn, and to regulate abortion to the full extent permitted by the Constitution of the United States, decisions of the United States Supreme Court, and federal statutes. **Furthermore, the state shall establish a goal of reducing by twenty-five percent, or two thousand nine hundred sixty-seven, the number of abortions from the 2004 level of eleven thousand eight hundred seventy-one by January 2008. The state shall facilitate this goal by reducing by twenty-five percent, or two thousand three hundred sixty-three, the number of unintended pregnancies in girls aged fifteen to nineteen from the 2004 level of nine thousand four hundred fifty-five by January 2008.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Callahan, Days and Graham.

Senator Loudon raised the point of order that **SA 2** is out of order as it goes beyond the special session call issued by the Governor.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Graham offered **SA 3**, which was read:

### SENATE AMENDMENT NO. 3

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 28, by inserting immediately after said line the following:

**“6. The provisions of this section shall not apply to any trusted adult sought out by the minor.”.**

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Wilson and Wheeler.

Senator Days offered **SSA 1** for **SA 3**, which was read:

### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 28, by inserting immediately after said line the following:

**“6. The provisions of this section shall not apply to any grandparent, sibling, aunt, or uncle of a minor.”.**

Senator Days moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Graham and Wilson.

**SSA 1** for **SA 3** failed of adoption by the following vote:

#### YEAS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

#### NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—26		

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

**SA 3** was again taken up.

Senator Graham moved that the above amendment be adopted, which motion failed by the following vote:

#### YEAS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

#### NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell

Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—26		

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

Senator Wilson offered **SA 4**, which was read:

#### SENATE AMENDMENT NO. 4

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 28, by inserting after all of said line the following:

**“6. The provisions of this section shall not apply to any religious pastor, minister, or other member of the clergy providing counsel to a minor.”.**

Senator Wilson moved that the above amendment be adopted.

Senator Coleman offered **SSA 1** for **SA 4**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 28, by inserting immediately after said line the following:

**“6. The provisions of this section shall not apply to any religious pastor, minister, clergy person, priest, rabbi, or other person serving in a similar capacity for any religious organization. For purposes of this section, the term “religious organization” shall include any society, sect, persuasion, mission, church, parish, congregation, temple, convention or association of any of the foregoing, diocese, presbytery, or other organization that has or would qualify for federal tax exempt status as a nonprofit religious organization under section 501(c) of the Internal Revenue Code; or an entity whose real estate is exempt from taxation**

**because it is used for religious purposes.”.**

Senator Coleman moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Days, Wheeler and Wilson.

Senator Crowell assumed the Chair.

**SSA 1** for **SA 4** failed of adoption by the following vote:

#### YEAS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

#### NAYS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Dolan
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel—25			

Absent—Senator Barnitz—1

Absent with leave—Senator Dougherty—1

Vacancies—1

**SA 4** was again taken up.

Senator Wilson moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Days, Shields and Wheeler.

**SA 4** failed of adoption by the following vote:

#### YEAS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

#### NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler



Purgason      Ridgeway      Scott      Shields

Stouffer      Vogel—26

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

Senator Wheeler offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Bill No. 1, Page 1, Section 188.080, Line 8, by inserting immediately after the word “induced” the following: **“, or alternatively, any physician who does not submit a copy of a current working agreement with at least one licensed hospital guaranteeing the transfer and admittance of patients for emergency treatment whenever necessary,”.**

Senator Wheeler moved that the above amendment be adopted, which motion failed.

Senator Wheeler offered **SA 6**, which was read:

#### SENATE AMENDMENT NO. 6

Amend Senate Bill No. 1, Page 1, Section 188.080, Line 1, by inserting immediately after “188.080” the following:

**“1.”; and further amend line 10, by inserting after all of said line the following:**

**“2. Any emergency room physician who has clinical or surgical privileges at a licensed hospital located within thirty miles of an establishment where abortions are performed or induced shall be required to complete a one-month rotation at such establishment in order to ensure familiarity with current abortion procedures.”.**

Senator Wheeler moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 7**, which was read:

#### SENATE AMENDMENT NO. 7

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 28, by inserting after all of said line

the following:

**“6. The provisions of this section shall not apply in the case of a minor who obtains an abortion as a result of rape or incest.”.**

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Days, Graham and Wheeler.

Senator Days offered **SA 1 to SA 7**, which was read:

#### SENATE AMENDMENT NO. 1 TO

#### SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Bill No. 1, Page 1, Line 5 of said amendment, by inserting immediately after said line the following:

**“7. The provisions of this section shall not apply in the case to save the life of the minor.”.**

Senator Days moved that the above amendment be adopted, which motion prevailed.

**SA 7**, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion failed by the following vote:

#### YEAS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

#### NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—26		

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

Senator Graham offered **SA 8**:

## SENATE AMENDMENT NO. 8

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 28, by inserting after all of said line the following:

**“6. The provisions of this section shall not apply to an employee of a public entity that provides transportation services for passengers or a common carrier, as that term is defined in section 390.020, RSMo, or an employee thereof.”; and**

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Days and Green.

**SA 8** failed of adoption by the following vote:

## YEAS—Senators

Bray	Coleman	Days	Graham
Green	Wilson—6		

## NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel—25			

Absent—Senator Wheeler—1

Absent with leave—Senator Dougherty—1

Vacancies—1

Senator Graham offered **SA 9**, which was read:

## SENATE AMENDMENT NO. 9

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 14, by inserting immediately after the word “damages” the following: **“of up to one thousand dollars”**.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Callahan and Days.

**SA 9** failed of adoption by the following vote:

## YEAS—Senators

Bray	Coleman	Days	Graham
Wilson—5			

## NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel—25			

## Absent—Senators

Green	Wheeler—2
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Absent with leave—Senator Dougherty—1

Vacancies—1

Senator Bray offered **SA 10**, which was read:

## SENATE AMENDMENT NO. 10

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 1, by striking all of said line and inserting in lieu thereof the following: **“188.250. 1. No person shall intentionally transport a”**; and further amend said bill, said page, line 2 by inserting immediately after the word “minor” the following: **“in order”**.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Coleman, Days, Graham and Green.

**SA 10** failed of adoption by the following vote:

## YEAS—Senators

Bray	Coleman	Days	Graham
Wilson—5			

## NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—26		

Absent—Senator Wheeler—1

Absent with leave—Senator Dougherty—1

Vacancies—1

Senator Coleman offered **SA 11**, which was read:

## SENATE AMENDMENT NO. 11

Amend Senate Bill No. 1, Page 2, Section 188.250, Line 28, by inserting after all of said line the following:

**“6. Any cause of action filed under this section shall be brought within two years from the date of the abortion.”.**

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Days and Graham.

**SA 11** failed of adoption by the following vote:

## YEAS—Senators

Bray	Coleman	Days	Graham
Green	Wheeler	Wilson—7	

## NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel—25			

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

On motion of Senator Loudon, **SB 1** was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle assumed the Chair.

Senator Shields requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking **SB 4** up for perfection, which request was denied.

President Pro Tem Gibbons assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 1**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass with Senate Committee Amendments 1 and 2.

## SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 1, as it appears on Page 4 of the Senate Journal for Tuesday, September 6, 2005, Column 1, Lines 36 and 37 of said column, by striking the following: “first extraordinary session” and inserting in lieu thereof the following: “First Extraordinary Session

of the First Regular Session”.

## SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Concurrent Resolution No. 1, as it appears on Page 4 of the Senate Journal for Tuesday, September 6, 2005, Column 1, Line 34 of said column, by inserting immediately after the word “plan” the following: “; and

WHEREAS, many businesses and residential communities along the Missouri River suffered great devastation after the flood of 1993; the intentional flooding of the river through a “spring rise” enhances the risk that such destruction will once again visit these communities, making it harder and ultimately less attractive to rebuild; and

WHEREAS, the economic responsibilities that individual families and businesses have to bear in the face of a devastating flood, like that in 1993, are enormous; to compound and confuse that responsibility with the uncertainties that accompany a “spring rise” places a heavier burden on the backs of those families and businesses”.

Senator Shields requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking **SB 4** up for perfection, which request was denied.

Senator Gross assumed the Chair.

Senator Shields moved that Senate Rule 52 be suspended for the purpose of taking **SB 4** up for perfection, which motion failed to receive the necessary two-thirds majority by the following vote:

### YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—22		

### NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Kennedy
Wheeler	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

Senator Shields requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking **SCR 1**, with **SCAs 1** and **2** up for adoption, which request was granted.

## CONCURRENT RESOLUTIONS

Senator Stouffer moved that **SCR 1**, with **SCAs 1** and **2** be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

Senator Stouffer moved that the above committee amendment be adopted, which motion prevailed.

**SCA 2** was taken up.

Senator Stouffer moved that the above committee amendment be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Gross assumed the Chair.

Senator Stouffer moved that **SCR 1**, as amended, be adopted, which motion prevailed by the following vote:

### YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

## REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 1**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Shields requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking **SB 1** up for 3rd reading and final passage, which request was denied.

Senator Shields moved that Senate Rule 52 be suspended for the purpose of taking **SB 1** up for 3rd reading and final passage, which motion prevailed by the following vote:

### YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

### NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Wheeler
Wilson—9			

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

## THIRD READING OF SENATE BILLS

**SB 1**, introduced by Senator Loudon, et al, entitled:

An Act to repeal section 188.080, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions and an emergency clause.

Was taken up.

On motion of Senator Loudon, **SB 1** was read the 3rd time and passed by the following vote:

### YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—26		

### NAYS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

### YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—26		

### NAYS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

### RESOLUTIONS

Senator Nodler offered Senate Resolution No. 38, regarding the Eightieth Birthday of Dorothy Mae Harper, Carthage, which was adopted.

Senator Klindt offered Senate Resolution No. 39, regarding Chris G. Farr, Trenton, which was adopted.

Senator Crowell offered Senate Resolution No. 40, regarding Dr. Linda M. Godwin, Ph.D., Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 41, regarding Dr. Loretta P. Prater, Ph.D., Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 42, regarding Dr. Loretta A. Schneider, Ph.D., Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 43, regarding Mary Ann Farmer, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 44, regarding Vicki Frank, RN, BSN, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 45, regarding Linda K. Heitman, Ph.D., Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 46, regarding Amy Jacquin, Oak Ridge, which

was adopted.

Senator Wheeler offered Senate Resolution No. 47, regarding Jeffrey Charles Hall, Kansas City, which was adopted.

Senator Wheeler offered Senate Resolution No. 48, regarding Alec Thomas Chambers, Kansas City, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, his son, Tim, and Dennis Davis, Jeremy Oehring, Darcie Myers, Rachel Richardson, Trent Bland, Alicia Bush, Savana Mark, Kasi Bland, Nicki Rash, Loretta Hughes, Cass White, Kristy Willoughby, Alyson Bland, Tessa Davis, Jacob Morris, teachers and students from Eldorado Christian High School, El Dorado Springs.

Senator Stouffer introduced to the Senate, Ken and Beth Warren, Carrollton; and Paul Davis, Boonville.

Senator Champion introduced to the Senate, members of our Armed Forces including Missouri National Guard men and women who are currently serving active duty in Iraq.

Senator Nodler introduced to the Senate, Leatta and Grace Workman, Carthage; and Katrina Pennington, Avilla; and Grace and Katrina were made honorary pages.

On motion of Senator Shields, the Senate adjourned until 12:01 a.m., Friday, September 9, 2005.

### SENATE CALENDAR

FOURTH DAY—FRIDAY, SEPTEMBER 9, 2005

### FORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 4-Crowell and Loudon

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